

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

In re the application of:	Jeremy Thaler et al.)	Group Art Unit: 1761
Filed: 11/10/2003 (10/705,657))	Examiner: H. Pratt
For:	PEANUT BUTTER WITH AN ORGANIC)	
	STABILIZER AND METHOD FOR)	
	MANUFACTURE THEREOF)	

AFFIDAVIT UNDER 37 CFR 1.131

Honorable Commissioner of Patents & Trademarks
PO Box 1450
Alexandria, VA, 22313-1450

Sir;

County of Livingston)	S.S.
State of New York)	

I, Jeremy Thaler, being duly sworn, depose and state:

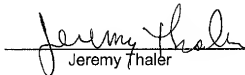
1. I am one of the co-inventors of pending claims 1-24 of the above-identified patent application and invention claimed therein, and at the time of filing the application I was an officer of the Assignee.

2. On September 18, 2002, I, along with several of my co-inventors, in our responsibilities as employees and/or owners of Once Again Nut Butter, Inc., prepared an organic peanut butter as described on the American Classic label ("Label") attached hereto as an Exhibit.

3. Prior to September 18, 2002, we conceived of and invented the formulation of the stabilized organic peanut butter and the process for making the same as described and claimed in the subsequently filed provisional patent application ("PEANUT BUTTER WITH AN ORGANIC STABILIZER AND METHOD FOR MANUFACTURE THEREOF," by Thaler et al., filed Nov. 14, 2002, Application No. 60/425,980), and as presently claimed in the current application. To the best of my knowledge the organic peanut butter produced by Once Again Nut Butter, Inc. on Sept. 18, 2002 included a formulation, and was made by a process, consistent with that recited in the claims of the above identified application.

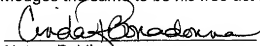
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 27th day of December, 2006


Jeremy Thaler

STATE OF NEW YORK
COUNTY OF Livingston

On this 27 day of December, 2006, before me, a Jeremy Thaler, to me known to be the person of that name, who signed and sealed the foregoing instrument and he acknowledges the same to be his free act and deed.


Notary Public

CINDA R. BONADONNA
Notary Public, State of New York
No. 01B06101835
Qualified in Livingston County
Commission Expires Nov. 17, 2007

EXHIBIT



OCLA#4033C002-9

BK



Made on:
Sept 18, 2002

**AMERICAN CLASSIC
ORGANIC PEANUT BUTTER**

ING: ORGANICALLY GROWN DRY ROASTED BLANCHED PEANUTS,
ORGANIC PALM OIL, ORGANIC SUGAR, SALT

Organically Grown and Processed in Accordance with the
California Organic Foods Act of 1990

MANUFACTURED BY:
ONCE AGAIN NUT BUTTER
P.O. BOX 429
NUNDA, N.Y. 14517-0429
888-800-8075
info@onceagainnutbutter

Manufactured on
equipment that also
processes peanuts,
tree nuts and seed

Net Wt. 1LB



4 4882 52231 9